DRAFT
BURDEN REDUCTION ANALYSIS
APRIL 8, 1998

A. NOTIFICATION

262.12, 263.11, 264.11, 265.11, 266.70

Affected Facility Types: All Generators and TSDFs

Affected Requirements

Generators and TSDFs are required to obtain an EPA identification number from the Administrator in order to treat, store, dispose of, transport, or offer for transportation, hazardous or recycled waste. Generators must also not offer hazardous waste to transporters or to treatment, storage, or disposal facilities that have not received an EPA identification number. Generators and TSDFs make initial and subsequent notifications by submitting EPA Form 8700-12, Notification of Regulated Waste Activity. Subsequent notifications are required if the facility moves to another location, the facility contact changes, facility ownership changes, an additional owner has been added or replaced, or the type of regulated waste activity has changed, including changes due to new regulations.

Proposed Regulatory Changes

1. **Streamline the notification form by eliminating requirements to include a description of regulated wastes handled at the facility (262.12, 263.11, 264.11, 265.11, 266.70 - Note: Citations throughout this document refer to the Code of Federal Regulations)**. This waste code information should be eliminated, as it is often collected from other sources (e.g., biennial reporting system, Part A and B permits). EPA estimates that this suggestion will eliminate an estimated 50 percent of the burden associated with the form.

2. **Revise subsequent notification requirements to require that subsequent notifiers only provide their EPA ID number and the appropriate information in Sections III, IV, V, VI, and VIII that have changed (262.12, 263.11, 264.11, 265.11, 266.70).** Currently, notifiers submitting subsequent notifications are required to complete Sections I, II, IV, VI, VII, IX, and X of the EPA Form 8700-12 in their entirety. They complete Sections III, V, and VIII depending on the reason for the subsequent notification. EPA estimates 50 percent of the notifications received each year are subsequent notifications. This suggestion reduces the burden by 7 percent for subsequent notifications, resulting in a total burden reduction of 4 percent.

3. **Allow electronic submission of all forms (262.12, 263.11, 264.11, 265.11, 266.70).** Electronic reporting could significantly reduce the burden for subsequent notifications. Facilities could submit the form through the Internet. Significant savings will not be achieved for initial notifications because the same amount of time would be required to fill out the form in hard copy or over the Internet. However, the burden would be reduced for subsequent notifiers. They could simply access their information by using their EPA

ID number and update the form based on their new information. This suggestion reduces the burden by 11 percent for subsequent notifications, resulting in a total burden reduction of 6 percent.

4. **Allow TSDF facilities to obtain ID number when submitting Part A applications (262.12, 263.11, 264.11, 265.11, 266.70).** The notification form and Part A application both request similar general information (e.g., facility address, location, etc.). This suggestion will reduce burden by less than one percent.

5. **Form Changes:**

- **Number I on Form:** The form asks whether this is the person's first Notification or whether s/he has previously notified. If previously notified, they are to provide their ID number plus fill out the blanks for the other questions included on the form. The form could clarify that if the person has an ID number, another form need not be provided.

  Number VII on Form: The form asks for information on the legal owner of the installation plus address, etc. While this information may be important for TSDFs, it may not be necessary to know the legal owner of a generator or transporter.

  Number VIII on Form--Hazardous Waste Activity: There is some detail on the form that may not be necessary. For example, we ask generally whether the facility is a treater, storer, or disposer, but also ask specifically whether the facility is a Utility Boiler, Industrial Boiler, or an Industrial Furnace. This section could be simplified.

  Number IX on Form--Description of Hazardous Waste: This section of the form asks the person to identify all the hazardous wastes that are generated/managed at the installation. This could be simplified by asking for top 5 wastes by volumes, or some percentage, or whether the wastes are listed or characteristic.

6. **Limit Notification Form to Generators:** Much, if not all, of the information collected in the Notification Form is also collected on the Part A Permit Application Form. While we would have to change the rules to address timing issues (i.e., when the various forms have to be submitted or activities carried out), we could simply indicate that only those persons who will be generators--that is, not a TSDF-- need fill out the form. The other alternative is to limit the information required from TSDFs on the Notification Form and collect that information on the Part A Form. This would likely not save significant hours, but clearly addresses an area where the Agency is collecting duplicative information.

7. **Require Individual ID Numbers for LQGs, Transporters and TSDFs:** One change that would reduce the number of burden hours is to only require that Large Quantity Generators (LQGs), transporters and TSDFs get an ID number. This means that (Small Quantity Generators) SQGs would no longer need to apply for and get an individual ID

number. SQGs would still need to comply with the rules, but would put in some uniform code where the ID number would go on the manifest or other document.

B. CONTAINER LABELING

262.34(a)(2)-(3)

Affected Facility Types: All Generators

Affected Requirements

Generators of hazardous waste are allowed to store hazardous waste for up to 90 days without a permit or without having interim status provided that the date upon which accumulation begins and the words “hazardous waste” are marked on each container of waste.

Proposed Regulatory Changes

1. **Modify generator accumulation time container labeling requirements so they are more flexible. Use the universal waste accumulation time documentation requirements at 273.35© as a model (262.34(a)(2) and (3)).** A generator of universal waste may document the length of time a universal waste has been accumulated using six different methods, including on-site inventory systems.

C. EXPORTS FROM AND IMPORTS TO US UNDER OECD DECISION

262.83

Affected Facility Types: Exporters and Imports of Hazardous Waste Under OECD Decision

Affected Requirements

Facilities planning to ship hazardous waste to another OECD (Organization for Economic Cooperation and Development) country for treatment or disposal must first obtain consent from the competent authorities of the relevant OECD importing and transit countries. At least 45 days prior to the export of this waste, an OECD Export Notification must be submitted to EPA providing details of the transaction and the waste involved. A tracking document containing slightly more information than that required for the OECD Export Notification must accompany each shipment of exported waste.

Proposed Regulatory Changes

1. **Create a standardized form that incorporates both EPA's and OECD's requirements (262.83(b) and (e)).** This suggestion will help in the organization of the information. Little to no burden reduction is expected.

2. **Allow for the use of Internet or Electronic Data Interchange for transmittal of the notifications (262.83(b) and (e)).** EPA estimates that 50 percent of respondents could expect a 5 percent reduction in burden.

3. **Revise the manifest form to include an area for the export requirements of the tracking document (262.84(b)).** This revision will save facilities the time involved with placing duplicative information on two different forms. EPA estimates that this suggestion would reduce burden for tracking by 14 percent.

4. **Allow electronic reporting of annual reports (262.87(a)), and electronic recordkeeping (262.87(c))**.

D. PERSONNEL TRAINING

262.34; 264 & 265.16

Affected Facility Types: All Generators and TSDFs

Affected Requirements

Facility personnel must successfully complete a program of classroom instruction or on-the-job training to ensure facility compliance with regulations. At a minimum, the training program must be designed to ensure that facility personnel are able to respond effectively to emergencies. The training program familiarizes personnel with emergency procedures, emergency equipment, and emergency systems. Facility personnel must successfully complete the program within six months of their employment and must take part in an annual review of the training. Owners and operators of the facility must keep updated information on employees, job descriptions, and the type of training personnel have received. Training records on current personnel must be kept until closure of the facility.

Proposed Regulatory Changes

1. **Replace the requirement that generators and facilities must maintain detailed training records for all employees with a one-time certification that all employees have been properly trained, as described in their permit. (258.20, 262.34(a)(4), 264.16(d)-(e), and 265.16(d)-(e)).** 262.34(a)(4): This provision requires, among other things, that LQGs maintain copies of personnel training documents and records for all employees that handle hazardous waste. The document is to provide information such as: (1) job title for each position at the facility that handles hazardous waste and the name of the employee filling the job; (2) written job description of each position, which includes the necessary skill, education, or other qualifications and duties of employees assigned to each position; (3) written description of the type and amount of training that will be given to each person filling a position, and (4) records that document that the training or job experience required have been given to, and completed by facility personnel. While it may be appropriate to have a requirement that facilities provide appropriate training for their employees, the Agency believes that such detailed records may not need to be kept. Also, to the extent that other federal/state rules require that such information be maintained, the Agency believes that this provision could be satisfied by such other requirements. Two possible options are suggested for replacing the existing requirements. The first is to simply require that the generator sign a certification statement which indicates that all employees have been appropriately trained. This would negate the requirement to have a plan (and thus, much less paper for both the regulated to put together and EPA to review). Alternately, a less onerous personnel training plan could be required that simply requires for each position type (rather than each person), the type and amount of training. A certification statement could also be included.

2. **Replace specific, detailed personnel training information (e.g., records of job titles, descriptions) with general, more flexible requirements that facilities must maintain**

documentation that all employees have been appropriately trained (262.34(a)(4), 264.16(d)-(e), and 265.16(d)-(e)). This option would give facilities flexibility in the way they comply with the training documentation requirements and would maintain EPA's ability to verify that training actually occurred. EPA believes that this suggestion would eliminate an estimated 25 percent of the burden associated with preparing and maintaining training records.

E. MANIFEST REQUIREMENTS

262.20-23; 262.40; 263.20-22; 264.71-74, 265.71-74

Affected Facility Types: All generators, Transporters. and TSDFs

Affected Requirements

Generators of hazardous waste must complete a manifest form for each shipment of hazardous waste that is shipped off-site. This manifest contains information about the waste and the generator and must accompany the waste until it reaches its final destination at a TSDF. Each time the waste changes hands, the manifest must be signed by the handler acquiring the waste. Each waste handler in the process retains a copy of the manifest, and the generator retains two--one initial, and one sent by the TSDF upon final receipt of the waste shipment. Manifest records must be stored on-site by each of the waste handlers for three years.

Proposed Regulatory Changes

1. **For all waste handlers, allow for electronic preparation, transmittal, recordkeeping, and reporting (262.20-23; 262.40; 263.20-22; 264.71-74 and 265.71-74).** Modifications that are implicitly part of this regulatory change include standard file formats, electronic signature capability, and the addition of a preparer signature line to enable brokers to initiate automated manifests for SQGs. EPA estimates that this suggestion would reduce the overall burden associated with the manifest cycle by 15 percent.

2. **Allow third-party electronic storage of manifests (262.40, 263.22, 264.73; and 265.73). (This option is only viable if electronic recordkeeping is also allowed.)** Waste handlers that deal with large volumes of manifests may prefer to contract out the recordkeeping portion of the manifest system. Under such a system, EPA, States, and the facilities themselves would be able to retrieve manifest records from the storage facility upon request. This suggestion would free up space at the facilities and provide access to the necessary parties. In addition, a professional archive service would be more likely to adopt and regulate computer security and data integrity safeguards. EPA estimates that this suggestion would reduce the overall burden associated with the manifest cycle by 5 percent.

3. **Provide targeted exemptions from manifest requirements for generators shipping recyclable materials and utilities that consolidate their wastes before shipping them off-site for disposal (262.20-23; 262.40; 264.71; and 265.71).** Providing exemptions for recyclable shipments would provide an incentive for facilities to recycle their wastes. Utilities that consolidate waste collected from numerous locations, such as city manholes, would be inordinately burdened if they were required to prepare and carry a manifest for each batch of waste. A single “running manifest” could be used to cover waste collected from multiple sites prior to being consolidated at a central location. EPA estimates that

this suggestion would reduce the overall burden associated with the manifest cycle by 12 percent.

4. **Revise the manifest form to reduce the variability of State requirements (262.23; 262.40; 263.20-22; 264.71-74; and 265.71-74)** State-controlled data elements on the manifest may vary, depending on the State(s) in which the waste is being handled. Adopting a uniform manifest form, or one with fewer State data elements, would reduce the time and confusion associated with the various State requirements for interstate waste handlers, and would increase consistency in State manifest requirements nationwide. The time spent by these facilities on acquiring manifest forms from multiple States would be eliminated, as the new uniform manifest form could be obtained from one location. EPA estimates that this suggestion would reduce the overall burden associated with the manifest cycle by 4 percent.

5. **Allow the use of fax for the transmittal of the manifest (262.23; 262.40; 263.20-22; 264.71-74; and 265.71-74).** In some instances (e.g., when transporters must send their manifest copy to a central office for recordkeeping), facilities currently must mail or FedEx the manifest and copies of the manifest. Allowing the use of fax would save both time and money. EPA estimates that this suggestion would reduce the overall burden associated with the manifest cycle by 3 percent.

6. **Exempt transporters from signing the manifest (263.20-22).** This suggestion would eliminate the need for some generators and transporter central offices to FedEx manifest copies (for rail and water shipments) back and forth. Transporters would also be saved the time (approximately .01 hours/manifest) spent signing each manifest. This suggestion would potentially reduce the accountability of transporters in the manifest cycle. EPA estimates that this suggestion would reduce the overall burden associated with the manifest cycle by 1 percent.

F. ELECTRONIC RECORDKEEPING

264 & 265.73; 279.44; 279.55; 279.57; 279.63

Affected Facility Types: All Generators, Transporters, TSDFs, and Used Oil Handlers

Affected Requirements

Generators, transporters, owners/operators and used oil handlers must maintain manifest, notifications and certifications, inspection records and the operating record in writing.

Proposed Regulatory Changes

1. **Modify the requirements to give facilities the option to maintain all operating and inspection records electronically (264 and 265.73, 265.226(b), 264.226(d), 265.260, 264.254(c), 265.304(b), 264.303(c)(1), 264.347, 261.35, 265.444, 264.444, 265.1101, 264.1101, 264.98(c), 264.99(c)(2), 264.90(b)(1), 266.102(e)(8)(v), 266.103(j)(4), 279.44, 279.55, 279.57, 279.63)).** While many facilities will probably maintain paper copies of the manifest, notifications and certifications, and the operating record for liability purposes, allowing them to retain electronic copies would give facilities the flexibility to use the most efficient means of keeping records. The retention of electronic copies will reduce total burden by 5 percent.

G. BIENNIAL REPORT

262.41; 264 & 265.75

Affected Facility Types: Large Quantity Generators and TSDFs

Affected Requirements

Large quantity generators (LQGs) and owners/operators of TSDFs are required to submit a Biennial Report by March 1 of each even numbered year. The Biennial Report must be submitted on EPA Form 8700-13A/B, covering waste generation and management activities for the previous year. Form 8700-13A/B includes both mandatory and optional data elements.

Proposed Regulatory Changes

1. **For those facilities that submitted a Biennial Report in a previous cycle, ask only for changes to facility identification information, which would be pre-printed from the prior Biennial Report) (i.e., only certification information would be required every cycle)(262.41, 264.75, 265.75)**. Pre-printing Biennial Report data on all forms from the prior cycle would increase the burden to EPA and States. EPA estimates that 80 percent of facilities would have no changes to identification information and that their burden per form would decrease by 75 percent.

2. **Remove optional data elements (State hazardous waste code, SIC code, origin code, source code, point of measurement code, form code, RCRA-radioactive mixed code, system type code for off-site shipments, and off-site availability code)(262.41, 264.75, 265.75).** Removing optional elements may limit usefulness of data. EPA estimates that this regulatory change would reduce Biennial Report burden for these elements by 16 percent.

3. **If requirements are added to manifest to submit copy to generating and receiving States and to report EPA hazardous waste codes and system type, collect Biennial Report data only for waste generated and managed on site (262.41, 264.75, 265.75)**. No burden reduction expected under this option because all TSDFs will most likely still be required to submit Biennial Report (because they generate waste on site) and, therefore, be required to submit Form IC.

4. **Simplify lists of form codes, source codes, and system type codes, and make code lists consistent with those used in other data collections (262.41, 264.75, 265.75).** This option would likely increase burden on the first reporting cycle that it is implemented.

5. **Remove reporting of all wastewaters, and/or wastes managed in systems exempt from RCRA permittin**g.

H. GROUNDWATER MONITORING REQUIREMENTS

264.100, 264.96

Affected Facility Types: Permitted Land Disposal Facilities (LDFs)

Affected Requirements

LDFs must implement a groundwater monitoring system to detect the possible presence of contaminants in the groundwater. These facilities must perform detection monitoring to determine whether there is a significant difference in the groundwater before and after it passes under the facility. If contamination is detected, compliance monitoring (which is more stringent that detection monitoring) must be performed. If the level of contamination exceeds the groundwater protection standard, corrective action must be performed. Semiannual reports must be prepared and submitted which demonstrate the effectiveness of the corrective action. Corrective action must be performed until contaminant levels are below the groundwater protection standard.

Proposed Regulatory Changes

1. **Modify the requirement to have owners/operators of LDFs report on the effectiveness of corrective action on an annual basis, rather than a semi-annual basis (264.100(g)).** Reporting on an annual basis instead of every six months may be sufficient, especially given that interim status facilities already report on annual basis. EPA estimates that this suggestion would reduce burden for preparing and submitting this report by 50 percent.

2. **Modify the requirement that, three years after the compliance period ends, facilities prepare and submit a demonstration to show that the groundwater standards were not exceeded for three years (264.96(c)).** Instead, if monitoring shows no exceedances for three years, facilities could be required to complete and maintain a certification from a certified engineer showing compliance with groundwater standards. This suggestion would make the regulations more self-implementing, as EPA could review monitoring records and the certification during inspections. EPA estimates that this suggestion would reduce burden for preparing and submitting this demonstration by 97 percent.

3. Allow **electronic recordkeeping** for groundwater monitoring data (264.97(j)).

I. FINANCIAL REQUIREMENTS

Affected Facility Types: All TSDFs

Affected Requirements

Owners/operators of TSDFs must provide assurance that they will have the financial resources available to properly close their facilities and care for them after closure. Owners/operators first estimate the costs of closure and post-closure and update these cost estimates annually for inflation, which are maintained at the facility but not submitted to EPA. Owners and operators use these cost estimates to establish financial assurance, which may be in the form of a trust fund, surety bond, letter of credit, insurance policy, or financial test and corporate guarantee. Proof of this assurance must be submitted to EPA prior to the first shipment of waste. In general, these financial assurance mechanisms are updated annually to reflect any changes in closure/post-closure cost estimates. Facilities using the financial test and corporate guarantee must also submit updated information annually to demonstrate that they continue to meet the financial criteria of the test or guarantee.

Proposed Regulatory Changes

1. **Reduce the frequency of adjustments to the closure and post-closure cost estimates from annually to biennially (264 & 265.142(b) & (d); 264 & 265.144(b) & (d)).** While this information is not submitted to EPA (it is retained on site), facilities use this information to update information on their financial assurance mechanisms. EPA may choose to reduce the frequency of this requirement for mechanisms other than the financial test and corporate guarantee (i.e., EPA may want facilities to verify that they pass the financial test every year; new FASB requirements may include this as an accounting standard). This suggestion would cut the number of adjustments made each year in half, thereby reducing the overall burden by 50 percent.

2. **Allow for a longer period of time between adjustments to the closure and post-closure cost estimates if certain conditions are met (264 & 265.142(b) & (d); 264 & 265.144(b) & (d)).** While this information is not submitted to EPA (it is retained on site), facilities use this information to update information on their financial assurance mechanisms. EPA may choose to allow for a longer period between adjustments for mechanisms other than the financial test and corporate guarantee when the dollar value of the mechanism is likely to continue or exceeds the cost estimate (including anticipated inflation or where the total cumulative effect of inflation is less than a certain percentage (e.g., 10 percent)). EPA estimates that this suggestion would reduce the annual burden associated with cost adjustments by 75 percent.

3. **Replace the requirement that facilities must submit annually updated information about financial assurance mechanisms, other than the financial test and corporate guarantee, for closure and post-closure with a requirement that they update the information only when the dollar value of the mechanism changes significantly (264 & 265.143; 264 & 265.145).** For many firms, financial assurance mechanisms will not

change every year. Thus, it is unnecessary to require annual submissions to EPA. This would eliminate an estimated 50 percent of the submittals containing updated information sent to EPA each year, thereby reducing the associated burden by 50 percent.

4. **Eliminate the requirement that facilities submit financial assurance information or updates of financial assurance information. Instead, require them to maintain the data on-site (264 & 265.143; 264 & 265.145).** EPA is the beneficiary of financial assurance mechanisms and would want to review initial submittals (however, under Subtitle D financial assurance information is maintained on-site). However, subsequent submittals could be maintained on-site, and EPA could still review the data during inspections or request it from specific facilities. This would eliminate all of the burden associated with submitting financial assurance information to EPA.

5. **Allow records to be maintained electronically (265.142(d), 265.144(d)).**

J. INSPECTIONS

264 & 265.15; 264 & 265.73; 264 & 265.226; 264.254 & 265.260;
264.303 & 265.304; 264 & 265.347; 264.574 & 265.444;
264 & 265.1101; 266.102, 266.103, 266.111

Affected Facility Types: All TSDFs

Affected Requirements

Owners/operators must keep records and results of inspections conducted at the facility in an inspection log or summary and keep these records for at least three years from the date of inspection. At a minimum, these records must include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions.

Owners/operators of surface impoundments, waste piles, landfills, and containment buildings required to have a leak detection system must record the amount of liquid removed from each leak detection system sump at least once each week during the active life and closure period. Owners/operators of hazardous waste incinerators and BIFs must inspect their combustion units and associated equipment thoroughly at least daily and the emergency waste feed cutoff system and associated alarms at least weekly to verify operability. Owners/operators of drip pads are required to inspect the pads weekly and after storms for deterioration, malfunctions, improper operation of run-on and run-off control systems, the presence of leakage in proper functioning of leakage detection systems, and deterioration or cracking of the drip pad surface.

Proposed Regulatory Changes

1. **Replace requirements that facilities must record all inspection-related information with requirements that facilities record only problems noted during inspections (258.20, 264 & 265.15; 264 & 265.73; 264 & 265.226; 264.254 & 265.260; 264.303 & 265.304; 264 & 265.347; 264.574 & 265.444; 264 & 265.1101; 266.102, 266.103, 266.111).** EPA estimates that the burden reduction associated with this change would eliminate 75 percent of the current burden for recording and maintaining inspection-related information in the operating record.

2. **Change the frequency of inspection requirements for owners/operators of surface impoundments, waste piles, landfills, and containment buildings to record the amount of liquids removed from each leak detection system sump from weekly to biweekly (264.226(d) & 265.226(b)(1); 264.254© & 265.260; 264.303(c)(1) & 265.304(b); 264 & 265.1101). For facilities whose liquid levels remain constant and below the pump operating level over an appropriate period of time (e.g., three months), change frequency of the inspection requirements to monthly.** This option would relax inspection requirements for facilities whose liquid levels remain constant and below the pump operating level, while maintaining stronger requirements for facilities whose liquid levels are above the pump operating level. EPA estimates that facilities

recording the amount of liquids biweekly could expect a 33 percent reduction in the burden associated with inspections, while facilities whose liquid levels remain constant and below the pump operating level over the appropriate period of time would see a 66 percent reduction. EPA also estimates that 50 percent of all facilities will be able to maintain liquid levels below the pump operating level. This results in an overall burden reduction of 50 percent for these inspection activities.

3. **Change the frequency of inspections of incinerators and BIFs and their associated equipment for facilities that can demonstrate no leaks, spills, fugitive emissions, or signs of tampering for an appropriate period of time (e.g., three months) from daily to weekly (264 & 265.347(b); 266.102(e)(8)(C)(iii)). Change the frequency for testing the hazardous waste feed cutoff system from weekly to monthly (264.347© & 265.347(b); 266.102(e)(8)(C)(iv)).** EPA estimates that 50 percent of all facilities will be able to demonstrate no leaks, spills, fugitive emissions, or signs of tampering and calculated the burden reduction estimate by assuming that for these facilities, the burden of inspections (assumed to be the 50 percent of the total burden associated with inspections and monitoring) will decrease by 60 percent.

4. **Change the frequency of inspections of drip pad surfaces for deterioration, malfunctions, presence of leakage, and deterioration from weekly to biweekly, except after storms (264.574(b) & 265.444(b)). For facilities that can demonstrate no leakage, malfunctions, and deterioration for an appropriate period of time (e.g., three months), change the inspection frequency to monthly.** EPA estimates that facilities that would have to conduct inspections biweekly could expect a 33 percent reduction in the burden associated with inspections, while facilities that can demonstrate no leakage, malfunction, and deterioration could expect a 66 percent reduction. EPA also estimates that 50 percent of all facilities will be able to show no leakage, malfunction, and deterioration. This results in an overall burden reduction of 50 percent for these inspection activities.

K. DRIP PAD REQUIREMENTS

261.35(b)-(c); 262.34(a)(1)(iii)(A); 264.573(k) & 265.443(k)

Affected Facility Types: Generator and TSDFs using Drip Pads

Affected Requirements

Owners/operators of drip pads that accumulate waste for 90 days or less must develop a description of procedures to be followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days. Owners/operators must keep documentation records of replacement and cleaning activities, and inspections conducted at the facility. These records must include information about the facility, past and present formulations used at the plant, the cleaning and replacement plans, the names and addresses of persons conducting the cleaning and replacement, the dates on which cleaning and replacement occurred, a description of the techniques and test used, a description of the instruments used, and a signed statement of authority by the generator or authorized representative, equipment to be cleaned or replaced, how the equipment will be cleaned or replaced, the solvents used in the cleaning process, and information regarding how cleaning residues and replacement equipment will be disposed. Owners/operators must also maintain records to document that all treated wood is held on the drip pad following treatment.

Proposed Regulatory Changes

1. **Eliminate requirement for facilities using drip pads to develop a description of procedures to be followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days. (262.34(a)(1)(iii)(A)).** Eliminating the requirement would simplify container labeling and accumulation time procedures for facilities using drip pads. It also would standardize procedures for all specific units at facilities that store hazardous wastes for 90 days or less (i.e., specific units other than drip pads do not have to develop descriptions of procedures such as these). Burden estimate for this suggestion assumes that 90 percent of the activities would be eliminated resulting in a 90 percent reduction in total burden hours.

2. **Require that facilities only document deviations from the equipment cleaning/replacement plan, instead of all maintenance activities (261.35(b)-(c)).** EPA calculated the burden reduction estimate by assuming that maintaining files electronically will save facilities an average of 5 percent of the remaining burden associated with equipment cleaning and replacement.

3. **Eliminate requirement that facilities maintain records that all treated wood is held on drip pad after treatment (264.573(k) & 265.443(k)).** Keeping the wood on the pad until drippage stops is likely a best operating practice; if so, maintaining records for this requirement may not be necessary. All burden associated with this requirement would be eliminated.

4. Allow facilities to maintain records electronically (265.443(n)).

5. -- **265.441:** Throughout this section, it requires that an assessment be performed by an independent, qualified professional engineer. As stated earlier, it would be less onerous if the engineer did not have to be an independent engineer. Also, the assessment must be reviewed, updated and re-certified annually until all upgrades, repairs or modifications necessary to achieve compliance have been made. This certification may not need to be done every year. Another approach would be for the owner/operator (o/o) to conduct an initial assessment and a plan as to what needs to be done and the general time table for completing the work. The assessment and plan would remain in the o/o operating record, but would not be submitted to EPA. The only thing submitted to EPA would be a notice indicating that the o/o has conducted the assessment and plan. The o/o would then submit a certification to the RA by an engineer after the work is completed indicating that the work is in compliance with the rules. In submitting the certification, the actual assessment would not be submitted but remain in the o/o file. While the Agency may want a requirement that an assessment be conducted, we also may want to provide some flexibility to the o/o as to what to include in the assessment. That is, we would provide a general standard for the o/o to meet and not address specific areas/factors.) Finally, paragraph © requires the o/o to submit to the RA the as-built drawings for the drip pad together with a certification attesting that the drip pad conforms to the drawings. The as-built drawings may not need to be submitted to EPA. For no other facility-type are as-built drawings submitted. The Agency suggests a certification statement by the engineer that the drip pad meets the design of the rules. The assessment could remain in the o/o's operating record and be retrieved by EPA it if needed.

-- 265.443(a)(4)(ii): This provision requires that the o/o obtain a written assessment of the drip pad, that it be reviewed and certified by an independent, qualified registered engineer and that the assessment be reviewed, updated, and recertified annually. This assessment may not need to be redone each year. Perhaps there could instead be a requirement for an initial assessment and any time major changes are made to the drip pad. This would likely reduce the number of assessments that the o/o would need to conduct. Also, as indicated earlier, the engineer need not be an independent engineer.

-- **265.443(b)(3):** This provision requires the o/o to document in the operating record the date, time, and quantity of any leakage from the drip pad that is taken from the leakage collection system. The Agency suggests just requiring that the leakage be removed and that each release be documented in the operating record.

-- **265.443(g):** This provision requires the o/o to have an independent engineer certify that the drip pad meets the requirements of this section. Again, the engineer need not be an independent engineer. Secondly, in other instances the rules require that an assessment be conducted and that the engineer certify that the design meets the design standards. It should also be noted that the certification here seems to duplicate the certification required in paragraph (a) of this section. Here, the rules only require that a certification be provided - an assessment is required here, but not in other instances. If a certification is all that is required, we may only need to require assessments in other cases.

-- **265.443(I):** This provision requires, among other things, the o/o to document the date and time of each cleaning of the drip pad, the cleaning procedures used, and that this information be recorded in the operating record. It may not be necessary for this information to be included in the operating record. And, this information may not need to be included in the operating record each time the drip pad is cleaned.

-- **265.443(k):** This provision requires, among other things, the o/o to put in the operating record information sufficient to document that all treated wood is held on the drip pad following treatment until the drippage has ceased. This information may not need to be kept in the operating record.

-- **265.443(m)(1-2):** This provision requires the Regional Administrator (RA) to review information provided to him/her by the o/o regarding the drip pad for him/her to make a determination whether the drip pad needs to be removed from service completely or partially until repairs and clean-up are completed and to notify the o/o of the determination. It may not be necessary for the RA to do this. The rules also require the o/o to make necessary fixes to drip pad and for the o/o to inform the RA of any problems. It may not be necessary for EPA to get involved in this. Perhaps the Agency could leave it up to o/o to make corrections and inform EPA, but not get EPA into the decision process.

-- **265.443(m)(3):** This provision requires the o/o to submit to the RA a certification by an independent engineer that all repairs have been made to the drip pad. The engineer may not need to be an independent engineer.

6. **262.34(a)(1)(iii)(B):** This provision requires, among other things, the o/o to document each waste removal from the drip pad, including the quantity of waste removed from the drip pad and the sump and collection system and the date and time of removal. It may not be necessary to include this level of detail in the operating record. The rules require the o/o to describe the procedures that will be followed to ensure that all waste will be removed within 90 days. This may be sufficient time.

L. EQUIPMENT LEAK REQUIREMENTS

264 & 265.1061(b)(1); 264 & 265.1063(d)(3)

Affected Facility Types: All TSDFs

Affected Requirements

Owners/operators of facilities subject to the requirements for valves in gas/vapor service or in light liquid service must notify the Regional Administrator that he or she has elected to comply with the alternative standard that allows no greater than 2 percent of the valves to leak. If the owner/operator decides to no longer comply with this section, the owner/operator must notify the Regional Administrator in writing that the work practice standard will be followed. Owners/operators must also determine for each piece of equipment whether the equipment contains or contacts a hazardous waste with an organic concentration that equals or exceeds 10 percent. This determination is done by using documentation of a waste determination (e.g., production process information, information showing that the waste produced is equal to a process at the same or another facility that previously demonstrated a total organic content less than 10 percent, or prior results on the same waste stream where it can be shown that no changes have occurred in the total waste organic concentration).

Proposed Regulatory Changes

1. **Eliminate notification requirements for alternative valve standards (264 & 265.1061(b)(1)).** Performance standards and requirements for leak repairs are included in the regulations at 264 & 265.1061(b)(2), and facilities have to document compliance with the standards. Thus, the notifications may be unnecessary. EPA estimates 100 percent of the burden is eliminated for this notification.

2. **Eliminate the equipment leak documentation requirements for hazardous waste determinations using process knowledge (264 & 265.1063(d)(3)).** Additional waste analysis requirements for process knowledge determinations at 264 & 265.1063(d)(3) may be duplicative with waste analysis requirements listed at 262.11, 264,13, and 265.13. EPA estimates 100 percent of the burden is eliminated for this requirement.

M. BOILERS AND INDUSTRIAL FURNACE (BIF) REQUIREMENTS

266.102(e)(8); 266.103(b); 266.103(c); 266.103(j); Part 266 Appendix IX

Affected Facility Types: All BIFs

Affected Requirements

Owners/operators of BIF units must conduct performance tests for their continuous emissions monitors and report the results to EPA. Interim status facilities had to certify pre-compliance by August 21, 1991 and certify compliance by August 21, 1992. As such, these requirements are no longer in effect. However, interim status facilities have to recertify compliance every three years after the initial certification of compliance until permitted.

Regulatory Changes

1. **Modify requirements that facilities must report the results of performance tests for their continuous emissions monitors and allow them to self-certify and keep the records on site (266.102(e)(8), 266.103(j) and Appendix IX, sections 2.1.6.4.3, 2.1.8, and 2.2.8.)** Facilities obtain a professional engineer's certification for the test results and maintain result records on-site, instead of submitting them to EPA. EPA estimates that 100 percent of the burden is eliminated with this suggestion.

2. **Eliminate requirements for the certification of precompliance, as these requirements are no longer in effect (266.103(b)).** Eliminating the requirements would not decrease burden, but would simplify the regulations and remove outdated requirements.

3. **Eliminate requirements for the certification of compliance, as these requirements are no longer in effect (266.103(c)). However, retain requirements of 266.103(c)(8) as facilities must recertify every three years.** Eliminating the requirements would not decrease burden, but would simplify the regulations and remove outdated requirements.

4. **Allow electronic recordkeeping and reporting (266.102(e)(8)(v), 266.103(j)(iii)(4), 266.103(k)**.

5. **Make emissions monitor performance test procedures self certifying** (i.e., eliminate requirements that facilities must report the results of their performance tests), and maintain records on-site **(266.102(e)(8), 266.103(j)).**

6. **Decrease the records retention period** from "until closure of the facility" to three years. (266.102(e)(10) and 266.103(k).

7. **Do not require hourly inspections of hazardous waste transfer** from transport vehicles to the BIF unit. Instead, require daily inspections. (266.111(e)(3)).

N. LAND DISPOSAL RESTRICTIONS

268.7 - 268.9

Affected Facility Types: All Generators and TSDFs

Current Requirements:

Generators of hazardous waste must test their waste to determine whether it is restricted from land disposal. If the waste is restricted (i.e., it does not meet Land Disposal Restrictions (LDR) treatment standards), it must be sent to a treatment facility, along with a one-time notification describing the waste and the pertinent treatment standards. A new notification must be sent each time the waste or the treatment facility changes. Waste that meets the treatment standards and waste that is subject to an exemption (from land disposal prohibition) may be shipped directly to a land disposal facility (LDF) without treatment, along with a similar one-time notification and a certification that the waste meets LDR standards. A new notification must be sent each time the waste or the LDF changes. Documentation of all waste analyses and notifications must be retained on-site.

Hazardous waste treatment facilities must analyze their treatment residues (according to a waste analysis plan) to ensure that they meet LDR standards. These treatment residues may then be shipped to an LDF, along with a notification describing the waste and pertinent treatment standards, and a certification that the waste meets these treatment standards. The notification and certification may be submitted once (with the initial shipment of waste), provided the waste and LDF do not change. Otherwise, a notification and certification must accompany each waste shipment destined for land disposal. Documentation of all waste analyses, notifications (both sent and received), and certifications must be retained on-site.

LDFs must test the waste they receive (according to a waste analysis plan) prior to placement in a land disposal unit to ensure that it meets the treatment standards. Documentation of all waste analyses, notifications, and certifications must be retained on-site.

Proposed Regulatory Changes

1. **Modify waste analysis requirements to shift the burden of testing hazardous waste bound for land disposal to land disposal facilities (LDFs)(268.7(a)-(d)). Generators or treaters would no longer be required to perform waste analysis; it *would* be required, for all wastes, to be performed and documented before land disposal. Thus, generator and treater waste analysis plans and notifications and certifications would be unnecessary.**[1] Current rules require that generators determine if a waste must be treated before land disposal. Treatment facilities and land disposal facilities must also test the waste to show compliance with the LDRs. In order to eliminate repetitious testing

[1] The purpose of the option is to reduce the redundancy in waste analysis, notifications and certifications, and associated recordkeeping. The proposed regulatory change is one way this redundancy could be reduced.

of wastes, EPA suggests making only the disposal facility responsible for ensuring that the waste meets LDR requirements prior to disposal. In order to maintain environmental protectiveness, generators would still perform a waste determination and would have to follow all existing requirements applicable to handling hazardous waste, and documentation would have to be maintained at the place of disposal certifying that all wastes meet existing LDR standards.

By shifting the testing of waste to the point of disposal, this suggestion would eliminate the need for generator and treatment facility waste analysis, waste analysis plans, notifications and certifications, and the associated recordkeeping requirements. Because records would have to be retained by the disposer certifying that LDR standards are met, inspectors would still be able to determine the composition of disposed waste. Additionally, this suggestion would eliminate situations where multiple facilities (i.e., the generator and the disposer) test each waste, as well as situations where facilities send notifications and certifications to themselves (when the treatment and disposal facility are the same). Instead, LDFs would treat the waste once before disposal to ensure that it meets the treatment standards, document and certify the results, and maintain records of the waste.[2] This approach would also apply to characteristic wastes, except that treaters (instead of disposers) of the wastes would maintain documentation and certify that the waste met LDR standards before disposal.

This suggestion would decrease the current reporting and recordkeeping burden of the LDR program by an estimated 38 percent. This takes into account the elimination of 50 percent of the burden associated with notifications and certifications and one-third of the burden associated with waste analysis.

2. **Modify waste analysis requirements for characteristic wastes to shift the burden of testing characteristic wastes bound for land disposal to treatment facilities (268.9(d)). Generators of characteristic wastes would no longer be responsible for performing the waste analysis for LDR requirements. Instead, treatment facilities would be required to test and document compliance with LDR standards before disposal. Thus, generator notifications and certifications for characteristic wastes would be unnecessary.** This option is also included as part of option 1 above. It would reduce the burden of generator waste analysis and notifications/certifications for characteristic wastes by 100 percent (assuming that all characteristic wastes will not meet LDR standards upon generation).

3. **Eliminate notifications for wastes that do not meet the treatment standard (268.7(a)(1)).** Such wastes cannot be disposed without a certification, and facilities will likely send waste analysis data to the treatment facility as a contractual requirement (i.e., so the treatment facility knows what they have to treat for). Waste sent to treaters generally does not meet the treatment, and a notification to that effect is redundant. EPA

[2] Disposers typically test the wastes as they arrive at the facility. Similar with current practices, if wastes do not meet LDR standards upon arrival, the disposal facility would not have to accept them.

estimates that this will reduce the burden of generator notifications that a waste does not meet the treatment standards by 100 percent.

4. **Add provisions for notifications and certifications to the Uniform Hazardous Waste Manifest. This will eliminate the need for facilities to maintain notifications and certifications, as the information will be included on the manifest (268.7(a)(1)-(2))**. This option would streamline the transmission of notifications and certifications. However, because this data is typically attached to the back of the manifest and sent with it, it will only reduce the burden of notifications and certifications by an estimated one percent.

5. **Allow electronic submittal of notifications and certification** 268.7(b)(4) and 268.7(d)(e)(I), and electronic storage of files 268.7(a)(5),(a)(7).

- **Treatment Surface Impoundment Exemption 268.4(a)(3):** This provision requires that surface impoundments meet specific design requirements, unless the owner/operator makes a demonstration to EPA, EPA reviews and seeks comment on the demonstration, and makes a decision on the application. (See subparagraphs (I), (ii), and (iii) of this Section for the specific criteria to be met.) While it may be appropriate for the owner/operator to put together a basis for allowing the facility to modify the design requirements, it also seems appropriate to make this provision self-implementing--that is, require the facility to document its basis for an alternate design, keep such basis in the facilities records, but not require the facility to submit it to EPA for review and approval. **268.4(a)(4):** This provision requires that the owner/operator submit: (1) a written certification that the requirements of section 268.4(a)(3) have been met, and (2) a copy of the waste analysis plan. While it may be appropriate for the owner/operator to sign a written certification regarding 268.4(a)(3), particularly if this provision is implemented as suggested above, it may not need to be submitted to EPA. The owner/operator could simply keep the certification in their files. Also, the requirement to submit the waste analysis plan to EPA is probably unnecessary.

7. **Case-by-case extension 268.5:** This section of the rules allows any person who generates, treats, stores, or disposes of a hazardous waste to get an extension of the LDR for lack of treatment capacity. To receive an extension, the facility must submit an application to EPA, and after notice and comment, announce its decision in the **Federal Register**. The maximum time limit for an extension is one-year. However, facilities can request an extension of one additional year; the rules require that a second application be submitted to EPA with another round of notice and comment. We could modify the rules and indicate during the first rulemaking process that while the case-by-case extension is granted for one year, a second extension will be granted for an additional year if a request is made to EPA with appropriate justification. The request for additional time would not require notice and comment and would free up some of EPA's resources. In addition, the burden on the regulated community would be reduced by not having to go through a second rulemaking process.

8. **Case-by-Case Extensions: Progress Reports in 268.5(f)-(g)**: These provisions require that any person granted an extension under 268.5 must immediately notify EPA as soon as s/he has knowledge of any change in the conditions certified to in the application. The rules also provide for periodic reports to be submitted to EPA so that the Agency can be aware of the progress that the applicant is making in meeting its obligations. At the present time, applicants are submitting monthly progress reports. It is unclear why any progress reports need to be submitted, particularly if the applicant must notify EPA as soon as s/he has knowledge of any change in conditions.

9. **Waste Analysis and Recordkeeping 268.7(a)(4):** This provision requires that generators who treat wastes in tanks, containers, or containment buildings develop and follow a written waste analysis plan which describes the procedures the generator will carry out to comply with the treatment standards. The waste analysis plan must be kept on-site, but also must be filed with EPA/authorized state a minimum of 30 days prior to the treatment activity, with delivery verified. While the requirement to have a waste analysis plan may be appropriate, it may not need to be submitted to EPA/authorized state.

O. PART A PERMIT

270.13

Affected Facility Types: TSDFs

Affected Requirements

Owners/operators of TSDFs must submit a Part A permit application to treat, store or dispose of hazardous waste. The Part A permit application is submitted using EPA Form 8700-23. Additional items required by the regulations at 270.13, such as a topographic map, facility drawing, and photographs are attached to the application.

A. Proposed Regulatory Changes

1. Streamline the Part A form by removing requirements for information that can be collected from other sources, such as the Notification Form (EPA Form 8700-12) (270.13). The burden reduction estimate assumes that approximately one hour is saved per application by removing duplicative requirements.

-- The o/o is to include up to four SIC codes which best reflect the principal products or services provided by the facility. The form also requires the o/o to provide a brief description of the nature of the business. It may not be necessary to include the SIC codes.

-- The form requests that the o/o include any non-EPA ID number that the facility has been issued. The Agency believes it may be able to be dropped from the form.

-- The form requires the o/o to include the facility's EPA ID number. The form also requests that the o/o include information such as the name of the facility, its address, location, etc. EPA already has most of this information from the notification form. Therefore, any information that EPA has already obtained from the notification form might be able to be removed from the Part A permit application form.

-- The form requires the o/o to provide a list of the other environmental permits the facility already has. This information might be duplicative.

-- For existing facilities, the o/o is to provide both a scale drawing of the facility showing the location of all past, present, and future treatment, storage, and disposal areas, and photographs of the facility delineating all existing structures, existing TSD areas, and sites of future TSD areas. The Agency believes that scale drawings may be sufficient.

-- The o/o is to submit a topographic map or maps of the area extending to at least one mile beyond the property boundary of the facility. A different topographic map is to be submitted with the Part B permit application. It may be sufficient for the Agency to only require the more detailed topographic map as part of the Part A permit application, and not require a new map as part of the Part B permit application.

2. Allow submission of noncompliance reports electronically (270.5).

3. Allow electronic recordkeeping of monitoring and records (270.30(j)).

Overlap Between Part A Permit Application and Notification Form

In reviewing both the Part A permit application and the notification form, the following information is requested on both:

- Installation's EPA ID Number, if they have one
- Name of Installation/Facility
- Location of the Installation/Facility, including Street, City or Town, State, Zip Code, County Code, and County Name
- Installation/Facility Mailing Address, including Street or PO Box, City or Town, State, and Zip Code
- Installation/Facility Contact Person, including Name, Job Title, and Phone Number
- Installation/Facility Contact Persons' Address, including Street or PO Box, City or Town, State, and Zip Code
- Installation/Facility Owner Information, including Name, Address, Phone Number, Owner Type, Change of Owner Indicator, Date Changed
- List of Specific Hazardous Waste Generated/Managed [Note: The Notification Form only requires the generator to identify the specific hazardous waste whereas the Part A form requires, in addition, the quantities of each hazardous waste managed, and how it is managed.]

Each form then has some additional information that is only requested on one form. While at first glance it may seem that providing this information twice should not be a hardship, it still imposes duplicative requirements on the same facility.

One approach for addressing the duplication is to request that the forms be submitted at the same time--say at 90 days or six months--and require that generators and transporters submit the notification form while TSDFs only submit the Part A permit application. This would address the duplication and give EPA the information needed. Alternately, the Agency could remove the information identified above (except the ID number and possibly the Name of the Facility) from the Part A permit application. This would reduce the burden on the o/o filling out the Part A permit application.

P. PART B PERMIT

Affected Facility Types: All TSDFs

Affected Requirements

Owners/operators of TSDFs must obtain a RCRA permit to treat, store (for more than 90 days) or dispose of hazardous waste, unless they operate the facility under interim status. All new facilities must submit both a Part A and Part B permit application and receive a permit prior to construction. All facilities operating under interim status submit a Part A permit application and wait for their Part B application to be "called in." The Part B permit application includes general permit contents described at 270.14. Specific Part B information collection requirements for each of the so-called "specific units" are described at 270.15 through 270.27. Owners/operators that store containers of hazardous waste for more than 90 days are required to submit the general information described at 270.14 and specific Part B information requirements for containers described at 270.15. Likewise, owners/operators that store or treat hazardous waste in tanks are required to submit the general information described at 270.14 and specific Part B information requirements for tanks described at 270.16.

A. Proposed Regulatory Changes

1. **Replace 270.15 specific Part B information requirements for containers with generic design and engineering guidelines (270.15)**. Instead of submitting container specific information as required by 270.15, facilities would comply with generic design and engineering guidelines and have their unit certified that it meets the standards by an independent professional engineer. This suggestion would eliminate paperwork requirements for container storage units that have a low probability of releasing hazardous waste to the environment. Burden reduction will be 75 percent of the burden for 270.15.

2. **Replace 270.16 specific Part B information requirements for tanks with generic design and engineering guidelines (270.16).** Instead of submitting tank specific information as required by 270.16, facilities would comply with generic design and engineering guidelines and have their unit(s) certified that it meets the standards by an independent professional engineer. This suggestion would eliminate paperwork requirements for tank storage units that have a low probability of releasing hazardous waste to the environment. Burden reduction will be 75 percent of the burden for 270.16.

3. **Implement a general permitting scheme for storage and treatment of hazardous waste. The general permit would apply to tanks, containers, and containment buildings storing or treating hazardous waste. Facilities applying for a permit under this plan would certify compliance with generic design and operating conditions instead of submitting a complete Part B permit (General)**. This suggestion would streamline complicated RCRA permitting requirements for storage units that have a low probability of releasing hazardous waste to the environment. Burden reduction estimate was calculated by assuming that 75 percent of the burden was

eliminated for 80 percent of the 44 permits the ICR projects being submitted that year (the 80 percent figure was taken from the 1996 Beginning of Year Plan and is the percent of total permit applications EPA expects to receive in 1997 that are storage or treatment permits). Burden to reduction estimate covers general permit requirements (270.1-270.14).

Q. STATE AUTHORIZATION REQUIREMENTS

271.6; 271.7; 271.21

Affected Facility Types: States

Affected Requirements

States wishing to implement their own hazardous waste programs in lieu of the Federal program must first submit a program description, a statement from the State Attorney General certifying that the laws of the State provide adequate authority to carry out the program, and a Memorandum of Agreement between the State and EPA which provides for EPA oversight and guidance of the State program. States planning to revise their hazardous waste programs must also submit these items for the new program.

Proposed Regulatory Changes

1. **For revision applications, simplify the requirements for the Program Description by limiting it to modifications or revisions only (271.6 and 271.21).** EPA estimates that this suggestion will eliminate 50 percent of the burden associated with preparing Program Descriptions.

2. **For revision applications, simplify the requirements for the Attorney General's (AG) Statement by allowing States to submit a checklist of authorities and allowing an Agency Director's certification, as opposed to the AG's certification (271.7 and 271.21).** States would evaluate whether their rules and regulations are equivalent to and no less stringent than the Federal regulations. The checklist would demonstrate that the proper authorities are in place, but not require a complete AG Statement. The States would need to provide narrative only when State rules vary significantly from Federal rules. EPA estimates that this suggestion will eliminate 50 percent of the burden associated with revising the AG Statement.

3. **For revision applications, simplify requirements for the Memorandum of Agreement (MOA) by limiting the MOA only to revisions or modifications accounted for in the application (271.6 and 271.21).** EPA estimates that this suggestion will eliminate 83 percent of the burden associated with MOAs.

R. RECORDKEEPING AND REPORTING HOURS IN THE AIR EMISSIONS PART CC RULE

1. **Container Testing in 264.1086(b)(1)(I) and 265.1087(b)(1)(I):** This provision requires the owner/operator (o/o) to determine for each container that is equipped with a cover which operates with no detectable organic emissions and that their is no leakage the first time any portion of the hazardous waste is placed into the container. This would require, it appears, the o/o to test hundreds or thousands of containers. It may not be necessary for each container to be tested; each container lot may be adequate.

2. **264.1089 and 265.1090 (Recordkeeping Requirements):**Paragraph d requires for each tank/surface impoundment/container that is not subject to the air controls because the waste does not meet the criteria, the o/o must keep records of the determination that is made of the waste both initially, annually, and whenever changes occur to the waste that may change its regulatory status. (See 265.1084.) While it is important for this testing/determination to be done and included in the records, this may not need to be done annually, especially if there is a requirement that the testing be done whenever the waste changes such that it may change its regulatory status. This revision is likely to reduce the recordkeeping and testing burden on the regulated community by a significant amount.

   -- The rules require the o/o to develop and implement a written plan and schedule to perform all inspections and monitoring requirements and to incorporate this plan and schedule into the facility inspection plan required under 264.15 (See 264.1088(e).) The rules also require the results of all visual inspections to be recorded in the o/o records. It may not be necessary that each inspection be recorded. Recording the results of each inspection in the records is a large burden with unclear benefits. If it is believed that some records need to be kept, then we might limit records to those times that problems were observed and what was done to address them.

   -- Paragraph e requires the o/o electing to comply with certain provisions to record the identification number for the incinerator, boiler, and industrial furnace in which the hazardous waste is treated. It may not be necessary to get this level of detail.

3. 264.1090: (Reporting Requirements)

-- General: Permitted facilities are required to submit a number of reports to EPA if certain non-compliance events occur. Interim Status facilities need not submit these reports. Either both kinds of facilities or none should submit such reports.

-- Paragraph c requires the o/o to submit a report every six months describing each occurrence during the previous six month period when a control device is operated continuously for 24 hours or longer in noncompliance with the applicable operating values defined in 264.1035(c)(4) or when a flare is operated with visible emissions as defined in 263.1033(d). In other parts of this section, a report is to be submitted within 15 days of the non-compliance event. In other words, one is able to submit semi-annual reports under this provision and not in other cases. This reporting could be made more consistent.

4. **265.1091(b)(1)(v):** This provision requires the o/o to notify the RA at least 30 days prior to the filling/refilling of each tank for which an inspection is required to afford the RA the opportunity to have an observer present. This requirement may be unnecessary.

5. **265.1091(b)(2)(v):** This provision requires the o/o to request a 30 day extension from the RA if the o/o is not able to repair the failure in the tank system or empty the tank within 45 days. The extension request is to include a demonstration of the unavailability of alternate capacity and a specification of a schedule that will assure that the control equipment will be repaired or the tank will be emptied as soon as possible. Since the extension is for only 30 days, the o/o could just be required to fix the tank or empty the tank as soon as possible, but no later than 75 days, and to do away with the extension request.

6. **265.1091(b)(2)(vi):** Similar comment as made above in 265.1091(b)(1)(v).

7. **265.1091.(b)(2)(vii)(B):** Similar comment as made above in 265.1091.(b)(1)(v).

8. **265.1091(c)(1)(ii):** This provision requires the o/o to document in the operating record the results of each inspection performed as required by paragraphs (b)(1)(I) to (iv) of 265.1091. It may not be necessary to include in the operating record the result of each inspection. Instead, it might be limited to recording only when something is found to be wrong and what is done to fix it.

9. **265.1091.(c)(2)(ii):** This provision requires the o/o to record the results of each gap measurement performed as required. Each record shall identify the tank in which the measurement was performed, the date of measurement, the raw data obtained in the measurement, and the calculations described. Given that the Agency is mostly concerned about when the o/o is out of compliance, this requirement might be limited to when the tank does not meet the appropriate

requirement. This may reduce the amount of information that the o/o needs to keep in the operating log.

S. RECORDKEEPING AND REPORTING IN HAZARDOUS WASTE GENERATOR STANDARDS

LARGE QUANTITY GENERATOR PRE-TRANSPORT REQUIREMENTS

1. **Modifications to the Contingency and Emergency Procedures Plan 265.56(j):** This provision requires the o/o to note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. All this information is also submitted to the RA within 15 days after the incident. This information may not need to be included in the operating record. To lessen the information the o/o needs to keep in the operating record, all that might be required is a record that an incident took place on X day and that a report of the incident was sent to the RA on Y day.

    -- **265.56(j):** This provision requires the o/o to report to the RA within 15 days of the incident. Much of this information was already required to be submitted to the on-scene coordinator or the National Response Center immediately after the incident. The Agency suggests that it could be made clear that information in the follow-up report need not be repeated if it was provided in the earlier report. Also, the Agency notes that the follow-up report is sent to the RA and not to the on-scene coordinator or NRC.

2. **Modifications to 262.34(a)(1)(ii)- tank systems:**

    - **265.190(a):** This provision allows tank systems that are used to store or treat hazardous waste which contains no free liquid and that are situated inside a building with an impermeable floor to be exempted from 265.193 (Containment and Detection of Releases). To be eligible, the o/o must demonstrate the absence of free liquids by using the Paint Filter Test. The results of the Paint Filter test must be kept in the records. This exemption is limited to wastes that contain no free liquid. (That is, the building should be the secondary containment for the tank.) The rules could simply say that if the hazardous wastes are stored in tanks inside a building and the building has an impermeable floor, there are certain provisions the o/o is exempted from. There may have to be an exception from the exemption if the tank system is a sump in the building. However, if the rules are written this way, there would be no need to do the Paint Filter Test and store such results.

    -- **265.191:** This provision requires that an assessment be performed for each existing tank system that does not have secondary containment that meets the requirements of 265.193. The existing rules require that the assessment be reviewed and certified by an independent, qualified, registered professional engineer. In other parts of the rule, we have not required that the engineer be independent. A similar modification could also be made here. This could reduce the cost to the regulated community since they could use in-house engineers rather than hire outside consultants.

-- **265.192:** Same general comment as above for 265.191 for existing tanks apply to this section regarding new tank systems. [Note: This section and the previous section (265.191) provide specific areas/factors that the assessment must address. One possible way to reduce the burden is to have general language as to what the assessment is to do--such as the assessment is to ensure that the tank system does not fail, rupture or leak--but not provide specific areas/factors that need to be addressed in the assessment. This would simplify the rules and provide flexibility to the o/o as to what to include in the assessment].

-- **265.193:** In several places in this section, the o/o can petition the RA and request an equivalent design to those identified in the rules. The o/o must submit specific information to the RA, the Agency must review the information, the request for a variance must be subject to public notice, and then EPA makes its decision. One possibility for simplifying this provision is to make it self-implementing. That is, the Agency would require the o/o to make its case, keep its showing in files on-site, and inform EPA that they are using an alternate design. This information would not be submitted to EPA unless the Agency specifically requests it, and EPA would not evaluate it and subject it to public notice before the generator could use the alternate design.

-- **265.195:** The existing rules require the o/o to inspect specific equipment each day. While not a recordkeeping and reporting requirement, daily inspection may not be necessary. Weekly or monthly inspection might be adequate. In addition, this provision requires that the operating record document each inspection made. This may not be necessary.

-- **265.196(b):** The existing rules require that the waste be removed from the tank system within 24 hours after detection of the leak, or if the o/o demonstrates that it is not possible, at the earliest practicable time remove as much of the waste as is necessary to prevent further release of the hazardous waste to the environment. The rules require the o/o to compile evidence showing that the waste cannot be removed within 24 hours and submit the evidence to the RA. It may not be necessary for this demonstration to be made and submitted to the RA. For example, the Agency could require that the waste be removed within 24 hours or as soon as practicable. This would make this provision self-implementing and do away with the specific burden requirement.

-- **265.196(d):** This provision requires any release to the environment to be reported to the RA within 24 hours unless the spill is less than one pound and is immediately contained and cleaned-up. However, the Reportable Quantity spill requirements under Superfund allow larger spills for specific chemicals not to be reported to EPA. This reporting requirement could be made consistent with the Superfund RQ requirements--that is, why require

a spill to be reported under RCRA if not required to be reported under Superfund. Consistency in this instance might make sense.

-- 265.196(f): This provision requires that if the repairs to the tank system have been extensive, the tank system must not be returned to service unless the o/o has obtained a certification by an independent, qualified, registered professional engineer that the system is capable of handling the waste and the certification must be submitted to the RA within 7 days of returning the tank system to use. As with an earlier comment, it is unclear whether the engineer needs to be an independent engineer. While it is appropriate for the o/o to have the system certified that it can operate and keep such certification in the operating record, the certification may not need to be submitted to EPA.

3. Containment Buildings 262.34(a)(1)(iv):

-- **265.1101(b)(4):** This provision allowed an o/o to delay the secondary containment requirement in containment buildings for two years if a request was made to the RA. However, the request had to be submitted by Feb. 18, 1993. Since the time period has passed, it appears that the language in this paragraph is no longer needed.

-- **265.1101(c)(3)(ii):** See comment above for 265.443(m)(2). This is the same question of whether the RA needs to get into the decision making process or whether s/he should leave it up to the o/o.

-- **265.1101(c)(4):** This provision requires the o/o to document in the operating record, at least once per week, data gathered from monitoring equipment and leak detection equipment as well as other areas around the containment building to detect signs of releases. This information may not be necessary to include in the operating record.

6. 262.34(b): This provision allows a generator to obtain an extension of 30 days to the 90 day limit due to unforseen circumstances by the generator. The generator must request an extension from the RA and the RA must approve it on a case-by-case basis. This provision could be self-implementing. That is, a generator who needs additional time indicates this in the record. There would be no need to contact the RA or seek approval from the RA. Another way to address this is to extend the time that generators can store waste and still comply with the generator accumulation provisions. This could reduce the number of persons that need to get permits which would significantly reduce the burden hours by removing the requirement to submit a Part B permit.

SMALL QUANTITY GENERATOR PRE-TRANSPORT REQUIREMENTS

o **262.34(f)**: Same comment as noted in 262.34(b).

T. HAZARDOUS WASTE SPECIFIC UNIT REQUIREMENTS, AND SPECIAL WASTE PROCESSES AND TYPES

1. **Modification to Surface Impoundment Requirements 265.221**: This provision requires the o/o to meet certain design and operating requirements for each surface impoundment on which construction commences after a specific date. Paragraph (b) of this section requires that the o/o notify the RA at least 60 days prior to receiving waste in any surface impoundments that meet the new design and operating requirements. The o/o must also file the Part B permit application within six months of the receipt of such notice. The Agency believes that it may be unnecessary for EPA to get a notice 60 days in advance of receiving waste in a surface impoundment that meets the new design and operating requirements, and whether it is necessary for the Part B permit application to be submitted within six months.

2. **Modification to double liner requirements 265.221(d)**: This provision allows the RA to waive the double liner requirement for any monofill if certain criteria are met. The o/o must make a demonstration in order for the double liner requirement to be waived. This provision could be rewritten to say that if the o/o meets certain criteria, the double liner requirement is waived.

3. **Self-Implementation for the Action Leakage Rate 265.222, 264.252, 265.255:** This provision requires the o/o of a surface impoundment subject to the design and operating requirements of 265.221(a) to submit a proposed action leakage rate (ALR) to the RA. Within 60 or 90 days (if the RA requests a 30 day extension), EPA will either approve or assign the o/o a different ALR. The rule goes on to say what it is the o/o must do in order to calculate the ALR. This provision could be made self-implementing--that is, requiring the o/o to calculate the ALR and to keep records of it in the operating record (based on the rules). The Agency does not believe it is necessary for the RA to approve the ALR.

4. **Modifications to Response Action Plans 265.223, 264.223, 265.259**, **264.253**: This provision requires the o/o to prepare and submit a response action plan to the RA. The response action plan must set forth the actions to be taken if the action leakage rate (discussed above) has been exceeded. The rules identify particular elements that must be addressed in the response action plan. The rules also require the o/o to notify the RA in writing of the exceedence within seven days of the determination and to submit a preliminary written assessment within 14 days of the determination as to the amount of liquid, likely sources of the liquids, possible location, size, and cause of any leaks, and short-term actions taken and planned. Other elements must also be addressed in the 14 day report. Then within 30 days of the notification that the ALR has been exceeded, the o/o must submit another report providing the results of specific analyses required. Then, every 30 days after that, another report is to be submitted as long as the flow rate in the leak detection system exceeds the ALR which requires the o/o to address a number of

specific elements. In addition, to make the leak and remediation determinations described above, the o/o must assess the source of liquids and amounts of liquids by source, conduct a fingerprint analysis of the liquids to identify the source of the liquid, assess the seriousness of any leaks, or document why such an assessment is not needed. The Agency solicits comment on whether the response action plan needs to be submitted to the RA. While the Agency believes it is important for the o/o to have a plan for what s/he will do if the ALR exceeds the predicted rate, we do not believe it needs to be submitted to the Agency. Also, if the ALR exceeds the rate predicted, EPA receives reports about each event and then required reports to be submitted within 7 days, 14 days, 30 days, and then possibly every 30 days until the ALR decreases to that which was predicted. The Agency may limit the number of times the RA needs to be notified. For example, the Agency could require that it be informed only if the rate is double, triple, ten times the predicted rate, or if there is a likelihood that the leak will escape the leak collection system. (Even though the reporting requirement may be dropped, there still would be a requirement on the o/o to implement the response action plan to reduce the ALR to the predicted levels.) The Agency would also like to explore the frequency reports are needed; for example, could the o/o submit an initial report and then a report 30 days later on what the o/o has done, what they plan to do, and a final report when the ALR is back to predicted levels.

5. **Self-implementation for Pump Activation Level 265.226: 265.226(b)(3)/264.226(d)(3)** requires the o/o to submit to EPA, and for EPA to approve, pump operating levels based on the pump activation level, sump dimensions, and a level that avoids backup into the drainage layer and minimizes head in the sump. This requirement could be made self-implementing--that is, requiring the o/o to calculate the pump operating levels and keep it in the operating record for EPA inspection, but not require that it be submitted to EPA for approval.

6. **Overlap of Requirements 265.229(b)(3-4):** This provision requires the o/o to obtain a certification from a qualified chemist or engineer that, to the best of their knowledge or opinion, the design features or operating plans of the facility will prevent ignition or reaction. In light of the requirements in 265.17(b), this certification may not be necessary.

7. **Self implementation of 264.227:** This provision requires, among other things, the o/o to notify the RA in writing, within seven days, if a surface impoundment is removed from service for emergency reasons. The Agency probably does not need to know each time a surface impoundment is removed from service. The Agency suggests that this information could be kept by the o/o in the operating record.

8. **Certification under 265.280/264.280(b):** The provision addresses closure of land treatment facilities and requires, among other things, for the o/o to provide to EPA certification of closure when facility closure is completed. Certification is to be made by both an independent qualified soil scientist and the o/o that the facility

has been closed in accordance with the requirements in the closure plan. It may not be necessary for the soil scientist to be an independent scientist or whether s/he can simply be a soil scientist. While this may not reduce the burden hours, it will reduce the cost if the o/o can use an employee rather then hire an outside consultant.

9. **265.301(b):** See comment in 265.221(b) above for surface impoundments. The same general comment is applicable here.

10. **265.301(d):** See comment in 265.221(d) above for surface impoundments. The same general comment is applicable here.

11. **265.302/264.302:** See comment in 265.222 above for surface impoundments. The same general comment is applicable here.

12. **265.303/264.304:** See comment in 265.223 above for surface impoundments. The same general comment is applicable here.

13. **265.304(c)/264.303(c)(3):** See comment in 265.226(b)(3) above for surface impoundments. The same general comment is applicable here.

14. **Frequency of Inspection under 265.247/264.347(b):** Among other things, this provision requires the o/o to inspect the incineration system daily. It may not be necessary for the entire incineration system to be inspected daily. Maybe only certain parts of the system need daily inspection.

15. **Dropping Interim Status Provisions for 265.352:** This provision allows the o/o of an interim status incinerator to burn certain dioxin-containing wastes if he submits an application to EPA, have the application reviewed by EPA, public notice the application--that is, go through the permitting process. This particular provision was put in the rules in 1985 before many, if any at all, incinerators were permitted. Since most of the incinerators are permitted, this provision may not still be needed.

16. **Self-implementation for 264.340**: This provision indicates that the RA must exempt an applicant from the Part 264 incinerator requirements except for waste analysis and closure if certain types of wastes are burned. The rules indicate that this information should be submitted to the RA in the Part B permit application along with the other information for the other wastes to be burned. This information might be only needed to be kept in the o/o's files.

17. **Frequency of Inspection for 265.377(a)(2):** This provision requires the o/o to visually observe the plume, if one is present, at least hourly for normal appearance. This frequency may not be necessary.

18. **265.377(a)(3):** See comment 265.247 above for incinerators. The same general comment is applicable here.

19. **265.383:** See comment 265.352 above for incinerators.

20. **265.403(1-2):** See comment 264.247 made above for incinerators. Same general comment is applicable here.

21. **Recordkeeping Requirements under 265.1035/264.1035:** This section lays out all the information needed to be included in the operating log at the facility. It appears that quite a bit of information needs to be put in the operating log and then updated or reassess at some time period. Some of this information might be removed from the operating record. For example, the o/o needs to include in the operating record (for those persons that use carbon adsorption systems) the date when existing carbon in the control device is replaced with fresh carbon. Also, the date of each control device start-up and shutdown.

22. **Reporting under 264.1036:** This section includes a requirement that an o/o submit to the RA a semiannual report which includes for each month the dates when the control device exceeded or operated outside the design specifications and such exceedances were not corrected within 24 hours, or that a flare operated with visible emissions. This information may not be needed by the Agency.

23. **Compliance with 265.1061/264.1061:** This provision requires the o/o to inform the RA if s/he elects to have the valves within a hazardous waste management unit comply with an alternative standard. The o/o must also notify the RA if s/he decides to no longer comply with the alternative standard. The rule does not require the o/o to submit the alternate standard to the RA. This requirement might be dropped as well as the requirement to notify the RA when the o/o decides not to comply with an alternate standard. The o/o must still keep the information in his records required by the rules.

24. **Self-Implementation under 265.1062/264.1062:** This provision requires the o/o to inform the RA if he elects to comply with one of the alternative work practices specified in the rules. The rules might state the three ways the rules can be complied with and leave it up to the o/o, keeping records of what s/he is doing.

25. **265.1064/264.1064:** See comment in 265.1035 above for process vents. The same general comment made there is applicable here.

26. **264.1065:** See comment in 264.1036 above for process vents. The same general comment made there is applicable here.

27. **Removal of 265.1101(b)(4):** This requirement allows an o/o to request a two year delay of the secondary containment requirement based on a demonstration that the unit substantially meets the standards for containment buildings. This

delay seems to have expired on February 1995 and can probably be removed from the regulations.

T. HAZARDOUS WASTE FACILITY STANDARDS

264.12, 264.13, 264.17, 264.73, 264.75, 264.279, 264.90, 264.112, 264.113, 264.115, 264.120,
265.12,265.112,265.113,265.115,265.120,265.279
Affected Facility Types: TSDFs

1. **Eliminate TSDF notification requirement. (264.12(b))** This provision requires the o/o of a facility that receives off-site waste (except where the o/o is also the generator) to inform the generator in writing that he or she has the appropriate permits, and will accept the waste before the generator ships the waste to the facility. The o/o must retain a copy of the notice at the facility. Since generators are ultimately responsible for making sure the waste is properly handled and that the facility that accepts it is capable of receiving it, the Agency suggests that this notice is not necessary.

2. **Eliminate some transfer of ownership requirements (264.12(c)/265.12(b))** This provision requires the o/o transferring ownership of a facility during its operating life, or of a disposal facility during the post-closure care period, to notify the new o/o in writing of the requirements. The notice must be sent before transfer in ownership. However, a comment to the rule makes it clear that failure to notify the new o/o of its obligations does not relieve the new o/o of complying with the rules. Therefore, the Agency suggests dropping the requirement for this notice. The new o/o is still required to comply with the rules, and the Agency assumes that no one will get into a business without thoroughly investigating it.

3. **Modification of general requirements for ignitable, reactive, or incompatible wastes 264.17(c).** 264.17 requires the o/o to take precautions to prevent accidental ignition or reaction of ignitable or reactive wastes. Paragraph (c) of this section requires the o/o to document that compliance, if the o/o handles ignitable/reactive wastes. The rule indicates that documentation may be based on references to published scientific or engineering literature, data from trial tests, etc. The Agency believes that this documentation is unecessary.

4. **Modify requirements for the operating record at the facility (264.73,264.75,264.279,265.279).** The operating record is to include summary reports and details of all incidents that require implementing the contingency plan. Since the generator is required to submit a detailed report of the incident to the RA, the Agency believes that this level of detail is not also needed in the operating record. The Agency suggests that the date and a summary of the incident is all that needs to be placed in the operating record, and a reference the report that was sent to the RA. The operating record is to also include records of the quantities

(and date of placement) of each shipment of hazardous waste placed in land disposal units under an extension to the effective date of any land disposal restriction granted, a petition pursuant to 268.6, or a certification under 268.8. This appears to be unnecessary to include in the operating record. The requirement under 264.279 and 265.279 for the o/o to include in the operating record the hazardous waste application dates and rates also seem unnecessary.

5. **Self-implementation for demonstration of requirements under 264.90** This provision identifies those persons that are subject to the corrective action requirements. The rules also identify those persons that are not subject to these regulations. Among other things, the rules indicate that if certain demonstrations can be made to the RA, the corrective action rules would not apply. See paragraph b of 264.90. The Agency believes that this provision can be self-implementing--that is, the o/o will still need to make a demonstration, but will keep it in their files and not have EPA review it unless it is requested.

6. **Modification to facility closure plan 264.112(a), 265.112(a))** This provision requires the o/o to prepare and submit a written closure plan for review by EPA at the time the Part B permit is called. Also, written closure plans are needed for interim status facilities. When the facility first operates or opens, the o/o is required to put together a Closure Plan. The Agency is open to ideas on how detailed this plan needs to be, especially since the facility may operate for years or tens of years before it actually closes. The o/o may spend a lot of resources preparing and EPA may spend alot of resources reviewing a closure plan that may change significantly before it is finally implemented. If a general Closure Plan is prepared initially, the facility would then be required to submit a final closure plan within 180 days of closure.

264.112(c), 265.112(c): This provision requires the o/o to submit amendments to the closure plan for review and approval by EPA if changes occur at the facility. The number of amendments that may have to be submitted and reviewed and approved by EPA/States depends on the detail required in the initial Closure Plan. The more general the initial Closure Plan, as discussed immediately above, the less likely that changes will need to be made. **264.113(a)(b)/265.113(a)(b)).** This provision allows an o/o to prepare a demonstration in support of extensions and allowances during the closure period, and to request an extension for the TSD to accept hazardous waste. This provision was included because the rules provide a limited period of time--90 days--whereby closure activities need to be completed. The Agency suggests a different approach whereby the o/o would submit a general Closure Plan at the time the Part B is called in (or the facility has interim status). Approximately 6 months before closure, the o/o would then submit a detailed closure plan that would be worked out between EPA/State and the o/o. In this scenario, there would not be a time restriction on the completion of the closure plan. This would make for a streamlined process, eliminating the need to work out

the details and require amendments to permits/modifications when things change at the facility. While this alternative process would not necessarily reduce burden, the Agency believes that it is a more reasonable approach to addressing closure.

7. **Allow Self-Implementation for 264.113(d) and 265.113(d)**: This provision allows an o/o to request an allowance to receive only non-hazardous wastes after the final receipt of hazardous wastes. The o/o needs to get a permit modification and make a demonstration to the RA. The Agency believes that this provision can be made self-implementing.

8. **Allow in-house engineer to certify 264.115 and 265.115**: This provision requires the o/o to submit to the RA a certification that the unit has been closed in accordance with the specifications in the closure plan. This certification must be performed by an independent registered engineer. The Agency believes that the certification could be conducted by a registered engineer. While this would not necessarily reduce burden, it will likely reduce the cost since companies may use in-house engineers rather than hire an outside consultant.

9. **Allow in-house engineer to certify 264.120/265.120**: This provision requires the o/o to submit to the RA a certification that the post-closure care period for the facility was performed in accordance with the closure plan. The certification must be conducted by an independent registered professional engineer. The Agency believes that the certification to be conducted by a registered engineer. While this would not necessarily reduce burden, it will likely reduce the cost since companies may use in-house engineers rather than hire an outside consultant.

10. **Financial Requirements: 264.143(e)(f), 264.145(e)(f)**, O/o's must annually update the financial information. The Agency believes that this information can be collected biennially.

11. **270.30(l)(4)**Eliminate the requirement that land based facilities submit monitoring reports at the interval specified in their permit. These monitoring records can be reviewed by inspectors during facility visits.

12. **Releases from Solid Waste Management Units 264.96(c), 264.113(d), 265.113(d),** Eliminate the requirement that a demonstration must be prepared and submitted to show compliance with groundwater monitoring standards. Instead, if monitoring shows not exceedances for three years, facilities should be required to complete and maintain a certification showing compliance. And, change the requirements to eliminate the need for facilities to get a permit modification, if they want to receive only nonhazardous wastes after the final receipt of hazardous wastes.

U. RECORDKEEPING AND REPORTING REQUIREMENTS FOR USED OIL MANAGEMENT REQUIREMENTS

1. **279.54(h)(1)(ii):** This provision indicates that if the o/o demonstrates that not all contaminated soils can be practicably removed or de-contaminated, then the o/o must close the tank system in accordance with the closure/post-closure care requirements of 265.310. There is probably no need for the o/o to make a demonstration . Instead, the rule could say that if the o/o is not able to remove or de-contaminate all contaminated soils, then the o/o must close the tank system in accordance with the closure/post-closure care requirements of 265.310. This way there would be no paper work requirement.

2. **279.44:** Require that facilities perform and maintain records of the halogen content test only on the first shipment of waste and when the waste changes.

3. **279.57(a)(2)(i)** Allow processors and re-refiners to retain information on only initial shipments of waste received from generators, unless the waste changes.

V. IDENTIFICATION, RULEMAKING, AND LISTING PETITIONS

Parts 260 and 261 establish requirements allowing regulated entities to submit applications for variances, exclusions, petitions, and exceptions from various RCRA requirements.

1. **260.20(b)** Allow petitions to be sent electronically or via regular mail.

2. **260.31(a)** Extend to three years the duration of a variance's period of validity (variance for speculative accumulation of recycled materials).

3. **260.31(b) and 260.33(a),** Eliminate the requirement that a petitioner survey the industry-wide prevalence of the material production practice.

4. **261.3(a)(2)(iv)**, Eliminate the requirement that a petitioner submit a demonstrating in support of the wastewater exclusion. It may be unnecessary to require petitioners to prepare and submit a demonstration to verify that wastewater materials are regulated under the Clean Water Act.

5. **261.4(f)(9),** Eliminate the requirement that facility representatives submit in the annual report an estimate of the expected number of treatability studies and the amount of waste expected to be used in treatability studies in the upcoming year. Such forecasts may be inaccurate and EPA eventually obtains the factual information in the following year's report.